

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

United States of America,

IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ SEP 05 2005

STF
clm

P.M. _____
TIME A.M. _____

ORDER

-vs-

CR-03-257(FB)

Donovan Gayle,

Defendants.

On September 28, 2005, in open court and on the record with all counsel and the defendant present, the Court heard oral argument regarding the summary order issued by the Court of Appeals for the Second Circuit remanding this for re-sentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005), and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005). Accordingly for the reasons stated on the record, it is

HEREBY ORDERED that the sentence imposed by the Court on February 4, 2004 shall stand. In making this determination the Court considered the advisory sentencing guidelines and the factors set forth in Title 18 U.S.C. Section 3553(a)(1) and found that the original sentence imposed was reasonable.

SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: Brooklyn, N.Y.
September 29, 2005

CC.; Michael Schneider, Esq.
AUSA Lee Freedman